IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO : 1905 of 2005

Between:

Syed Faiyaz, s/o Syed Qasim, 44 years occ:Business,
r/o Plot No.14, Vanita Co.op.Society, Bapuji Nagar, Secunderabad.

..... PETITIONER

AND

1 The Collector, R.R.District, at Lakdikapool, Hyderabad.
2 The Sub-Registrar, Sub-Registrar Office, Medchal, R.R.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of a writ of mandamus declaring the action of the respondent No.2 in not accepting the registration of document in respect of Plot Nos.32, 33, 34 & 35 total admeasuring 750.00 Sq.yards comprised in Survey No.227/1 of Bahadurpally Village, Qutubullapur Mandal, Ranga Reddy District covered by registered Sale Deed document No.329 of 2001 dated 12-1-2001 of respondent No.2 office as arbitrary, illegal and ultravires of the Registration Act, and consequently direct the respondents herein to register the document of the petitioner for registration of the open plot Nos.32, 33, 34 & 35 total admeasuring 750.00 sq.yards in Survey No.227/1 situated at Bahadurpally village of Qutubullapur Mandal, Ranga Reddy District.

Counsel for the Petitioner:MR.A.SATYANARAYANA REDDY

Counsel for the Respondent Nos.1 & 2: GP FOR REVENUE

The Court made the following :

ORDER:

The grievance of the petitioner is that respondent authorities are insisting on a No

objection Certificate for registering the sale deed executed in his favour, to show that the said land purchased by him does not belong to the Government.

In view of Section 22(A) of the Registration Act, 1908 (for short 'the Act'), unless a notification issued by the Government is published in the Gazette, question of refusing to register a document, or calling for production of a No objection Certificate by the registering authority does not arise. In fact, in SRI ABDUL KAREEM; V. THE DISTRICT COLLECTOR (W.P.NO.16245 OF 2004 dated 13-09-2004), in the light of the order passed in W.P.No.12433 of 2004 dated 24-8-2004, a direction that sale deeds which are in accordance with law and are not covered by the notification under Section 22(A) of the Act, be registered without insisting for No objection Certificate, was given. This case also would squarely covered by the said order. Therefore, the Writ Petition is disposed of with a direction to the respondents to register the sale deed as and when presented, if it is in accordance with law, and if there is no notification as contemplated by Section 22(A) of the Act, without insisting to produce No objection Certificate. Needless to mention that this order does not prohibit the Government issuing a notification under Section 22(A) of the Act. No order as to costs.

_____

15-02-2005

To

1 The Collector, R.R.District, at Lakdikapool, Hyderabad.
2 The Sub-Registrar, Sub-Registrar Office, Medchal, R.R.District.

3. Two CCs to the Government Pleader for Revenue, High Court Building, Hyderabad. (OUT).

4. Two C.D. copies.

Note:

CC by two days.

(Bo)

sj